

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

RICHARD K. PLATO,

Petitioner,

ORDER

-VS-

05-CV-6413-CJS-VEB

JAMES MORRISSEY,

Respondent.

This 28 U.S.C. § 2254 habeas corpus case was referred to Magistrate Judge Victor E. Bianchini pursuant to 28 U.S.C. § 636(b), on July 27, 2007. On March 30, 2009, Judge Bianchini filed a Report and Recommendation (Docket No. 10) recommending that the Court dismiss the case. No party has filed any objection to Judge Bianchini's Report and Recommendation to date.

Accordingly, for the reasons set forth in Judge Bianchini's Report and Recommendation, Petitioner's habeas corpus petition (Docket No. 1) is dismissed and the Clerk is directed to close this case.

IT IS SO ORDERED.

Dated: July 31, 2009
Rochester, New York

ENTER:

Charles J. Siragusa

Charles J. Siragusa
United States District Judge